

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

All PBM Cases

MDL No. 2804

Case No. 1:17-md-02804-DAP

Judge Dan Aaron Polster

**PBM DEFENDANTS' SECOND STATEMENT
REGARDING REPLACEMENT BELLWETHER SELECTION**

In accordance with the Court's Third Order Regarding Additional PBM Bellwether Case (ECF No. 5755), the PBM Defendants confirm the following two cases as their replacement PBM bellwether selections:

- (1) *Allegany County, NY*, No. 1:19-op-46151-DAP; and
- (2) *City of Ogdensburg, NY*, No. 1:19-op-45852-DAP.

The PBM Defendants select these cases subject to the statements and arguments set forth in the PBM Defendants' Statement Regarding Replacement Bellwether Selection (ECF No. 5748) and incorporate that Statement by reference. The PBM Defendants maintain their objections to the PEC's and Plaintiffs' counsel's manipulation of the bellwether process, including through strategic dismissals of cases they previously certified were ready to proceed as bellwethers.

Date: November 18, 2024

Respectfully submitted,

/s/ Brian D. Boone

Brian D. Boone
ALSTON & BIRD LLP
1120 South Tryon Street, Suite 300
Charlotte, NC 28203
T: (704) 444-1000
brian.boone@alston.com

William H. Jordan
D. Andrew Hatchett
ALSTON & BIRD LLP
1201 W. Peachtree St. NW, Suite 4900
Atlanta, GA 30309
T: (404) 881-7000
bill.jordan@alston.com
andrew.hatchett@alston.com

Attorneys for OptumRx, Inc.

/s/ Jonathan G. Cooper

Michael J. Lyle
Jonathan G. Cooper
**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**
1300 I St. NW, Suite 900
Washington, DC 20005
T: (202) 538-8000
mikelyle@quinnmanuel.com
jonathancooper@quinnmanuel.com

Attorneys for Express Scripts, Inc.